

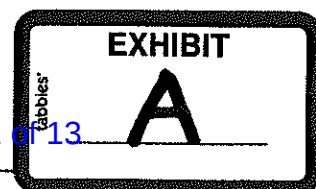
IN THE CIRCUIT COURT OF JACKSON COUNTY, MISSOURI  
AT INDEPENDENCE

AMANDA ORANGKHADIVI,	)	
	)	
Plaintiff,	)	
v.	)	Case No: 2016-CV19829
	)	
LM GENERAL INSURANCE COMPANY,	)	
Defendant.	)	

AMENDED PETITION FOR BREACH OF CONTRACT

COMES NOW the Plaintiff, and for her cause of action against the Defendant, alleges and states:

1. Plaintiff is an individual.
2. Defendant is an insurance company doing business with agents and/or offices in Jackson County, Missouri.
3. On March 4, 2017, Plaintiff was traveling northbound on US Highway 1-69 in Kansas City, Missouri when she came upon an accident that had just occurred.
4. The aforementioned accident (accident 1) was caused by a motorist traveling southbound in the northbound lanes of US Highway 1-69.
5. That southbound motorist fled the scene and has not been identified.
6. As Plaintiff slowed because of the accident that had occurred in front of her, her vehicle was struck from behind by another vehicle (accident 2).
7. The first accident occurred as a result of the negligence of the southbound motorist in proceeding southbound in the northbound lanes of US Highway 1-69.



8. Accident 2 was caused by the negligence of the motorist that was following the Plaintiff whose vehicle struck her from behind in that the accident was caused by the failure of the driver to keep a proper lookout, follow at a safe distance, control his vehicle, and avoid striking the Plaintiff's vehicle from behind.

9. The driver of the vehicle that struck Plaintiff's vehicle from behind ran from the scene.

10. Since the driver causing accident 1 and the driver causing accident 2 ran the from scene and were not identified, both are uninsured motorists.

11. At the time of the events described above, Plaintiff was an insured person under a policy of automobile insurance issued by LM General Insurance Company, policy number AUS-248-031026-4064, and that policy provided Uninsured Motorist benefits. A copy of the insurance policy in force at the time of the injury is attached as Exhibit A.

12. The injury to the Plaintiff was caused by the combined negligence of both uninsured motorists.

13. As a result of the accident, Plaintiff suffered injury to her right shoulder and arm, head, face, and abdomen. She endured pain to her low back with numbness down the leg to her foot and to her neck. She's undergone medical care and incurred medical expense and has lost time from work.

14. As a result of the injury, Plaintiff is continuing to suffer and incur medical expense and medical expense and time lost from work will be continuing into the future. The injuries are permanent.

15. Plaintiff has made claim on the Defendant for Uninsured Motorist benefits and has sought damages in the amount of \$250,000. The Defendant has failed and refused to pay Plaintiff's demand.

16. Defendant has breached the policy of insurance by failing to pay the Uninsured Motorist benefits to the Plaintiff, which Plaintiff has claimed.

WHEREFORE, Plaintiff prays for judgment in favor of the Plaintiff and against the Defendant in the amount of \$250,000, the costs of the action, and further relief determined by the Court to be just and equitable.

Respectfully submitted,  
MOGENSON & BRANSON, LLC

/s/ Kyle A. Branson

KYLE A. BRANSON – MO #58770

5501 Foxridge Drive

Mission, Kansas 66202

913-371-3333/Fax 913-371-3141

E-mail: [kyle@mbkclaw.com](mailto:kyle@mbkclaw.com)

ATTORNEY FOR PLAINTIFF

IN THE CIRCUIT COURT OF JACKSON COUNTY, MISSOURI  
AT INDEPENDENCE

AMANDA ORANGKHADIVI,	)	
	Plaintiff,	
v.	)	Case No:
	)	
LIBERTY MUTUAL INSURANCE COMPANY,	)	
	Defendant.	

PETITION FOR BREACH OF CONTRACT

COMES NOW the Plaintiff, and for her cause of action against the Defendant, alleges and states:

1. Plaintiff is an individual.
2. Defendant is an insurance company doing business with agents and/or offices in Jackson County, Missouri.
3. On March 4, 2017, Plaintiff was traveling northbound on US Highway 1-69 in Kansas City, Missouri when she came upon an accident that had just occurred.
4. The aforementioned accident (accident 1) was caused by a motorist traveling southbound in the northbound lanes of US Highway 1-69.
5. That southbound motorist fled the scene and has not been identified.
6. As Plaintiff slowed because of the accident that had occurred in front of her, her vehicle was struck from behind by another vehicle (accident 2).
7. The first accident occurred as a result of the negligence of the southbound motorist in proceeding southbound in the northbound lanes of US Highway 1-69.

8. Accident 2 was caused by the negligence of the motorist that was following the Plaintiff whose vehicle struck her from behind in that the accident was caused by the failure of the driver to keep a proper lookout, follow at a safe distance, control his vehicle, and avoid striking the Plaintiff's vehicle from behind.

9. The driver of the vehicle that struck Plaintiff's vehicle from behind ran from the scene.

10. Since the driver causing accident 1 and the driver causing accident 2 ran the from scene and were not identified, both are uninsured motorists.

11. At the time of the events described above, Plaintiff was an insured person under a policy of automobile insurance issued by Liberty Mutual Insurance Company, policy number AUS-248-031026-4064, and that policy provided Uninsured Motorist benefits.

12. The injury to the Plaintiff was caused by the combined negligence of both uninsured motorists.

13. As a result of the accident, Plaintiff suffered injury to her right shoulder and arm, head, face, and abdomen. She endured pain to her low back with numbness down the leg to her foot and to her neck. She's undergone medical care and incurred medical expense and has lost time from work.

14. Plaintiff has made claim on the Defendant for Uninsured Motorist benefits and has sought damages in the amount of \$250,000. The Defendant has failed and refused to pay Plaintiff's demand.

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Respectfully submitted,  
MOGENSON & BRANSON, LLC

/s/ Kyle A. Branson  
KYLE A. BRANSON – MO #58770  
5501 Foxridge Drive  
Mission, Kansas 66202  
913-371-3333/Fax 913-371-3141  
E-mail: [kyle@mbkclaw.com](mailto:kyle@mbkclaw.com)  
ATTORNEY FOR PLAINTIFF

IN THE CIRCUIT COURT OF JACKSON COUNTY, MISSOURI  
AT INDEPENDENCE

AMANDA ORANGKHADIVI,	)	
	)	
Plaintiff,	)	
v.	)	Case No:
	)	
LIBERTY MUTUAL INSURANCE COMPANY,	)	
Defendant.	)	

REQUEST

COMES NOW the Plaintiff, and requests that the Court issue Summons and Petition to Plaintiff's counsel for service on the Defendant, LIBERTY MUTUAL INSURANCE COMPANY, by serving the MISSOURI DIRECTOR OF INSURANCE at 301 WEST HIGH STREET, ROOM 530, JEFFERSON CITY, MISSOURI, to be served by the Sheriff of Cole County, Missouri.

Respectfully submitted,  
MOGENSON & BRANSON, LLC

/s/Kyle A. Branson  
\_\_\_\_\_  
Kyle A. Branson – MO #58770  
5501 Foxridge Drive  
Mission, Kansas 66202  
913-371-3333/Fax: 913-371-3141  
E-mail: [kyle@mbkclaw.com](mailto:kyle@mbkclaw.com)  
ATTORNEY FOR PLAINTIFF

**IN THE CIRCUIT COURT OF JACKSON COUNTY, MISSOURI  
AT INDEPENDENCE**

AMANDA ORANGKHADIVI,

**PLAINTIFF(S),**

**VS.**

**CASE NO. 2016-CV19829  
DIVISION 2**

LIBERTY MUTUAL INSURANCE COMPANY,

**DEFENDANT(S).**

**NOTICE OF CASE MANAGEMENT CONFERENCE FOR CIVIL CASE  
AND ORDER FOR MEDIATION**

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NOTICE IS HEREBY GIVEN that a Case Management Conference will be held with the Honorable KENNETH R GARRETT III on 22-FEB-2021 in DIVISION 2 at 08:30 AM. All Applications for Continuance of a Case Management Conference should be filed on or before Wednesday of the week prior to the case management setting. Applications for Continuance of a Case Management Conference shall comply with Supreme Court Rule and 16<sup>th</sup> Cir. R. 34.1. Continuance of a Case Management Conference will only be granted for good cause shown because it is the desire of the Court to meet with counsel and parties in all cases within the first 4 months that a case has been on file. All counsel and parties are directed to check Case.NET on the 16<sup>th</sup> Judicial Circuit web site at [www.16thcircuit.org](http://www.16thcircuit.org) after filing an application for continuance to determine whether or not it has been granted.

A lead attorney of record must be designated for each party as required by Local Rule 3.5.1. A separate pleading designating the lead attorney of record shall be filed by each party as described in Local Rule 3.5.2. The parties are advised that if they do not file a separate pleading designating lead counsel, even in situations where there is only one attorney representing the party, JIS will not be updated by civil records department, and copies of orders will be sent to the address currently shown in JIS. Civil Records does not update attorney information from answers or other pleadings. The Designation of Lead Attorney pleading shall contain the name of lead counsel, firm name, mailing address, phone number, FAX number and E-mail address of the attorney who is lead counsel.

At the Case Management Conference, counsel should be prepared to address at least the following:

- a. A trial setting;
- b. Expert Witness Disclosure Cutoff Date;
- c. A schedule for the orderly preparation of the case for trial;
- d. Any issues which require input or action by the Court;
- e. The status of settlement negotiations.



### **MEDIATION**

The parties are ordered to participate in mediation pursuant to Supreme Court Rule 17. Mediation shall be completed within 10 months after the date the case is filed for complex cases, and 6 months after the date the case is filed for other circuit cases, unless otherwise ordered by the Court. Each party shall personally appear at the mediation and participate in the process. In the event a party does not have the authority to enter into a settlement, then a representative of the entity that does have actual authority to enter into a settlement on behalf of the party shall also personally attend the mediations with the party.

The parties shall confer and select a mutually agreeable person to act as mediator in this case. If the parties are unable to agree on a mediator the court will appoint a mediator at the Case Management Conference.

Each party shall pay their respective pro-rata cost of the mediation directly to the mediator.

### **POLICIES/PROCEDURES**

Please refer to the Court's web page [www.16thcircuit.org](http://www.16thcircuit.org) for division policies and procedural information listed by each judge.

**/S/ KENNETH R GARRETT III**  
KENNETH R GARRETT III, **Circuit Judge**

### **Certificate of Service**

This is to certify that a copy of the foregoing was electronic noticed, faxed, emailed and/or mailed or hand delivered to the plaintiff with the delivery of the file-stamped copy of the petition. It is further certified that a copy of the foregoing will be served with the summons on each defendant named in this action.

#### **Attorney for Plaintiff(s):**

KYLE A BRANSON, MOGENSON & BRANSON LLC, 5501 FOXRIDGE DRIVE, MISSION, KS 66202

#### **Defendant(s):**

LIBERTY MUTUAL INSURANCE COMPANY

**Dated:** 29-SEP-2020

MARY A. MARQUEZ  
Court Administrator




# IN THE 16TH JUDICIAL CIRCUIT COURT, JACKSON COUNTY, MISSOURI

Judge or Division: KENNETH R GARRETT III	Case Number: 2016-CV19829
Plaintiff/Petitioner: AMANDA ORANGKHADIVI	Plaintiff's/Petitioner's Attorney/Address KYLE A BRANSON MOGENSON & BRANSON LLC 5501 FOXRIDGE DRIVE MISSION, KS 66202
Defendant/Respondent: LIBERTY MUTUAL INSURANCE COMPANY	Court Address: 308 W Kansas INDEPENDENCE, MO 64050
Nature of Suit: CC Breach of Contract	(Date File Stamp)


## Summons in Civil Case

**The State of Missouri to:** LIBERTY MUTUAL INSURANCE COMPANY  
**Alias:**  
 MISSOURI DIRECTOR OF INSURANCE  
 301 W. HIGH STREET  
 ROOM 530  
 JEFFERSON CITY, MO 65101

**COURT SEAL OF**  
  
 JACKSON COUNTY

**You are summoned to appear before this court and to file your pleading to the petition, a copy of which is attached, and to serve a copy of your pleading upon the attorney for Plaintiff/Petitioner at the above address all within 30 days after receiving this summons, exclusive of the day of service. If you fail to file your pleading, judgment by default may be taken against you for the relief demanded in the petition.**

29-SEP-2020  
 Date

  
 Clerk

Further Information:

## Sheriff's or Server's Return

**Note to serving officer:** Summons should be returned to the court within thirty days after the date of issue.

I certify that I have served the above summons by: (check one)

☐ delivering a copy of the summons and a copy of the petition to the Defendant/Respondent.

☐ leaving a copy of the summons and a copy of the petition at the dwelling place or usual abode of the Defendant/Respondent with \_\_\_\_\_ a person of the Defendant's/Respondent's family over the age of 15 years who permanently resides with the Defendant/Respondent.

☐ (for service on a corporation) delivering a copy of the summons and a copy of the petition to \_\_\_\_\_ (name) \_\_\_\_\_ (title).

☐ other \_\_\_\_\_

Served at \_\_\_\_\_ (address)  
 in \_\_\_\_\_ (County/City of St. Louis), MO, on \_\_\_\_\_ (date) at \_\_\_\_\_ (time).

Printed Name of Sheriff or Server \_\_\_\_\_ Signature of Sheriff or Server \_\_\_\_\_

**Must be sworn before a notary public if not served by an authorized officer:**

(Seal) Subscribed and sworn to before me on \_\_\_\_\_ (date).

My commission expires: \_\_\_\_\_ Date \_\_\_\_\_ Notary Public \_\_\_\_\_

<b>Sheriff's Fees</b>	
Summons	\$ _____
Non Est	\$ _____
Sheriff's Deputy Salary	
Supplemental Surcharge	\$ 10.00
Mileage	\$ _____ ( _____ miles @ \$. _____ per mile)
<b>Total</b>	\$ _____

A copy of the summons and a copy of the petition must be served on **each** Defendant/Respondent. For methods of service on all classes of suits, see Supreme Court Rule 54.

## **SUMMONS/GARNISHMENT SERVICE PACKETS ATTORNEY INFORMATION**

Under the Missouri e-filing system now utilized by the 16<sup>th</sup> Judicial Circuit Court, once a case has been accepted for filing, a clerk prepares the necessary documents for service. The summons/garnishment is sent to the attorney by an e-mail containing a link so that the filer may print and deliver the summons/garnishment, pleadings and any other necessary documents to the person designated to serve the documents.

Pursuant to State statutes, Supreme Court Rules and Local Court Rules, attorneys are required to print, attach and serve specific documents with certain types of Petitions and other filings.

Please refer to the Court's website for instructions on how to assemble the service packets at:

16thcircuit.org → Electronic Filing Information → Required Documents for Service – eFiled cases → Summons/Garnishment Service Packet Information.

Please review this information periodically, as revisions are frequently made. Thank you.

Circuit Court of Jackson County



# IN THE 16TH JUDICIAL CIRCUIT COURT, JACKSON COUNTY, MISSOURI

Judge or Division: <b>KENNETH R GARRETT III</b>	Case Number: <b>2016-CV19829</b>
Plaintiff/Petitioner: <b>AMANDA ORANGKHADIVI</b>	Plaintiff's/Petitioner's Attorney/Address <b>KYLE A BRANSON MOGENSEN &amp; BRANSON LLC 5501 FOXRIDGE DRIVE MISSION, KS 66202</b>
Defendant/Respondent: <b>LIBERTY MUTUAL INSURANCE COMPANY</b>	Court Address: <b>308 W Kansas INDEPENDENCE, MO 64050</b>
Nature of Suit: <b>CC Breach of Contract</b>	

**RECEIVED**

**OCT 08 2020**

**COLE COUNTY  
SHERIFF'S OFFICE**

**FILED - CIRCUIT COURT  
JACKSON CO., MO - 1  
20 OCT 27 PM 1:43**

## Summons in Civil Case

The State of Missouri to: **LIBERTY MUTUAL INSURANCE COMPANY**

Alias:

**MISSOURI DIRECTOR OF INSURANCE  
301 W. HIGH STREET  
ROOM 530  
JEFFERSON CITY, MO 65101**

**COURT SEAL OF**



**JACKSON COUNTY**

You are summoned to appear before this court and to file your pleading to the petition a copy of which is attached, and to serve a copy of your pleading upon the attorney for Plaintiff/Petitioner at the above address all within 30 days after receiving this summons, exclusive of the day of service. If you fail to file your pleading, judgment by default may be taken against you for the relief demanded in the petition.

**29-SEP-2020**

Date

*[Signature]*  
Clerk

Further Information:

## Sheriff's or Server's Return

Note to serving officer: Summons should be returned to the court within thirty days after the date of issue.

I certify that I have served the above summons by: (check one)

- ☐ delivering a copy of the summons and a copy of the petition to the Defendant/Respondent.
- ☐ leaving a copy of the summons and a copy of the petition at the dwelling place or usual abode of the Defendant/Respondent with a person of the Defendant's/Respondent's family over the age of 15 years who permanently resides with the Defendant/Respondent.
- ☒ (for service on a corporation) delivering a copy of the summons and a copy of the petition to

**Debra Lee**

(name)

**Designee**

(title).

☐ other

Served at **301 W High St Jefferson City MO 65101** (address)

in **Cole** (County/City of St. Louis), MO, on **10-14-2020** (date) at **9:20 AM** (time).

Sheriff *[Signature]*  
Printed Name of Sheriff or Server

By **Dep. John Strobel 81**  
Signature of Sheriff or Server

Must be sworn before a notary public if not served by an authorized officer:

Subscribed and sworn to before me on \_\_\_\_\_ (date).

My commission expires: \_\_\_\_\_ Date

Notary Public

## Sheriff's Fees

Summons	\$ _____
Non Est	\$ _____
Sheriff's Deputy Salary	\$ _____
Supplemental Surcharge	\$ <b>10.00</b>
Mileage	\$ _____ ( _____ miles @ \$ _____ per mile)
Total	\$ _____

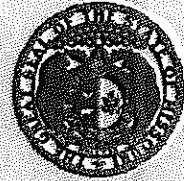
A copy of the summons and a copy of the petition must be served on each Defendant/Respondent. For methods of service on all classes of suits, see Supreme Court Rule 54.

**20157**



State of Missouri

Department of Commerce and Insurance



**TO:** Corporate Secretary (or United States Manager or Last Appointed General Agent) of

LIBERTY MUTUAL INSURANCE COMPANY  
CSC LAWYERS INCORPORATING SERVICE CO  
221 BOLIVAR STREET  
JEFFERSON CITY, MO 65101

**RE:** Court: Jackson Co. at Independence, Case Number: 2016-CV19829

FILED - CIRCUIT COURT  
JACKSON CO., MO  
20 OCT 30 AM 11:11 PM

You will take notice that original process in the suit against you, a copy of which is attached hereto and sent to you by certified mail, was duly served upon you at Jefferson City, Missouri, by serving the same on the Director of the Department of Commerce and Insurance of the state of Missouri, Dated at Jefferson City, Missouri this Wednesday, October 14, 2020.

Director of Commerce and Insurance

AFFIDAVIT

State of Missouri,

ss.

County of Cole,

The undersigned Director of the Department of Commerce and Insurance or the Director's designated agent, hereby makes oath and certifies the original of the above notice to the above addressee was mailed at the United States Post Office in Jefferson City, Missouri on October 15, 2020 by first class certified mail prepaid as provided by section 375.906.5, RSMo. and Supreme Court Rule 54.15

Director, Department of Commerce and Insurance

By:

Subscribed and sworn to before me this 15<sup>th</sup> day of October, 2020

My commission expires



KATHRYN LATIMER  
Notary Public  
My Commission Expires  
March 4, 2024  
Cole County  
Commission #12418395